



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Folsom Field Office
63 Natoma Street
Folsom, CA 95630
www.blm.gov/ca/folsom



Timber Salvage from the Telegraph Fire (CA-180-08-75) Decision Record December 2008

1.0 Introduction and Background

The Telegraph Fire during July-August 2008 burned off understory plants and other vegetation on BLM-administered land along Saxon Creek. Stands of timber were severely burned and have died or are in the process of dying. Also, PG&E had select trees cut to facilitate the repair of its transmission lines in the area. BLM needs to salvage the burned and cut timber before it deteriorates and loses commercial value.

During the Telegraph Fire, PG&E used heavy equipment to improve and construct a road in the vicinity of Saxon Creek, just outside of the area potentially affected by the timber salvage. PG&E's roadwork was necessary to repair a fire-damaged transmission line. This road comes off of Schroeder Mine Road in Section 16 and extends along a small unnamed drainage to Saxon Creek in the vicinity of the Golden Madria # 1 mining claim. BLM is concerned that members of the public will use the improved and newly constructed portion of the road, as well as roads used/improved during the timber salvage, to drive motorized vehicles in and along the bed of Saxon Creek. Driving in and along the creek bed would likely cause extensive erosion and soil compaction, degrading water quality and damaging riparian habitat recovering from the fire. Archaeological resources in this area are also threatened by motorized vehicle use on Saxon Creek. Therefore, as part of this authorization, BLM will close roads in the Saxon Creek area to public motorized vehicle use. The road closures will not affect roads designated as open to motorized use by BLM and the proposed action is consistent with the Sierra Resource Management Plan/Record of Decision approved in 2008 (Sierra RMP/ROD).

The area affected by the timber salvage and road closures is not within and will not affect any the following BLM-administered special management areas in the vicinity of Saxon Creek: (1) Merced Wild and Scenic River, (2) Merced River Wilderness Study Area, (3) Limestone Salamander ACEC, (4) Merced River ACEC, and (5) Merced River Special Recreation Management Area.

Based on information in the RMP, this EA, and recommendations from BLM specialists, the following constitutes my decision.

2.0 Decision

2.1 Alternatives Considered but not Selected

Under the No Action alternative, the dead and dying timber would not be salvaged. Both the environmental benefits and the economical benefits to the US government and local community would be lost. The commercial value of the timber deteriorates quickly and, in fact, is considered valueless within a couple years. The fuel load of large woody debris will be extremely heavy.

Without the proposed road closures, it would be possible for members of the public to drive motorized, especially off-highway, vehicles in and along the bed of Saxon Creek. The use of motorized vehicles in this area is not consistent with the Sierra RMP/ROD and threatens riparian vegetation still recovering from the Telegraph Fire. Archaeological resources are threatened, also.

2.2 Decision and Rationale

Based on information in the RMP, the EA, and consultation with my staff, I have decided to implement the timber salvage and road closure actions described in the EA. The timber salvage can proceed immediately without time limitations as long as conditions are dry enough to prevent soil compaction and erosion. The operators must carefully follow all of the stipulations in the contract and must follow the recommendations made by the BLM archaeologist in his Section 106 compliance study.

Based on the information provided by the BLM botanist, concerning the inventory for the Mariposa clarkia (*Clarkia biloba australis*), the State Director concurred with the recommendation to forgo inventories. His decision was based on the timing of the timber sale, minute impacts to the overall conservation status of the species (if the species occurs within the project area), and a low potential for the species to occur. He believes that the mitigation measures for potential impacts proposed by the Folsom Field Office in the November 13, 2008 memorandum were appropriate and sufficient for the conservation of the species. However, if weather conditions delay the timber salvage until late spring or early summer 2009, a fresh botanical study is required by the BLM botanist or other qualified botanist. The timber salvage must not occur until the botanical study has been completed and the botanist's recommendations have been incorporated into the timber salvage operation.

The road closures will be implemented as soon as any potential conflicts concerning mining claim access are resolved.

3.0 Consultation and Coordination

Special status animal or plant species (or their habitat) were not identified; therefore, consultation with US Fish and Wildlife Service is not necessary at this time. If the timber salvage does not go forward until late spring or early summer 2009 a fresh botanical study would be required before any on-the-ground work. The identification of threatened or endangered plants would likely require USFWS consultation.

4.0 Public Involvement

The EA was available for a formal 15-day public comment period from December 1 to the 15, 2008 as posted on Folsom Field Office's internet website. No comments were received. BLM also contacted an affected mining claimant Charles Skatell by letter on December 8, 2008 to inform him of the proposed road closures. He has yet to respond. BLM will continue to work with Charles Skatell and other affected mining claimants to ensure that they have reasonable access to their claims, pursuant to federal mining laws, regulations, and policies.

5.0 Plan Consistency

The decision to salvage timber in the Saxon Creek area is consistent with the Sierra RMP/ROD. Under this management plan, BLM is generally directed to salvage harvest timber damaged by disease, insects, fire, etc.

The decision to close roads in the Saxon Creek is also consistent with the Sierra RMP/ROD. Under this plan, BLM designated approximately 75 miles of existing roads on BLM-administered land as open to public motorized use. The roads that will be closed by this decision record are not any of the existing roads designated as open for public motorized use. BLM has the authority to close this road under the Federal Land Policy and Management Act of 1976 (FLPMA). This law requires BLM to manage public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, water resource, and archaeological values.

Based on information in the RMP, EA, and recommendations from BLM specialists, I conclude that this decision is consistent with the 2008 Sierra RMP, the Endangered Species Act; Section 106 of the National Historic Preservation Act; and other applicable federal environmental laws and policies.

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on the BLM Folsom Field Office internet website.



William S. Haigh
Manager, Folsom Field Office

12-16-08
Date



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Telegraph Fire Salvage (CA-180-08-75) Finding of No Significant Impact December 2008

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra RMP. Thus, the project does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:


- 1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include vegetation removal, soil disturbance and temporary noise and dust due to tree salvage process. However, none of these impacts would be significant at the local scale or cumulatively because of the small scale of the project and project design features that would reduce erosion and visual impacts to immeasurable levels.
- 2) *The degree of the impact on public health or safety.* No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety.
- 3) *Unique characteristics of the geographic area.* The specific project areas are not within the (1) Merced Wild and Scenic River, (2) Merced River Wilderness Study Area, (3) Limestone Salamander ACEC, (4) Merced River ACEC, or (5) Merced River Special Recreation Management Area.
- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).
- 5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve any unique or unknown risks.
- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* Timber salvage and road closures are not precedent setting.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The project is consistent with the actions and impacts anticipated in the Sierra RMP.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* Cultural properties within the area affected by the undertaking would be avoided. There would be no affects to properties listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* No ESA listed species (or their habitat) are known to occur in the project area.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that this decision will result in actions that will threaten such a violation.



William S. Haigh
Field Manager, Folsom Field Office

12-16-08
Date



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EA Number: CA-180-08-75

Tiered to: CA-018-89-20 and SYU-15 EA

Proposed Action: Telegraph Fire Timber Salvage

Location: MDM, Township 4 South, Range 18 East, Sections 20 and 21, Mariposa County

1.0 Purpose of and Need for Action

1.1 Need for Action

In July-August 2008 the Telegraph Fire burned more than 33,750 acres in the Merced River watershed. Some 21,200 of those acres were public lands managed by the Bureau of Land Management's Folsom Field Office (BLM). The fire damaged numerous acres of brush and woodlands. BLM's forest inventory designates some 130 to 150 acres within the 21,200 acres burned to be part of BLM's commercial timber base. There are areas where full tree crowns have been consumed by the fire leaving only skeleton stems. Other areas show some needle retention, but the tree cambiums have been cooked by the fire's heat. These trees are no longer functional have nutrient transportation; they are in the dying process. Also, PG&E had zealous falling crews that cut down burned timber along and outside of PG&E power line corridors where power lines required repair as a result of the fire. The proposed action is to salvage the burned and damaged timber. The proposed action would capture the value of the already-on-the-ground trees, capture the value of the standing burned timber, reduce the possibility of epidemic insect infestations in remaining live trees, and reduce long-term fuel loading resulting from the fire.

The proposed action would also include physically closing roads and rehabilitating existing roads/landings in the area. The Telegraph Fire burned off understory plants and other vegetation on BLM-administered land along Saxon Creek. The public land is now open and could easily be accessed by members of the public driving off-highway vehicles on existing spur roads that come off of the PG&E access road/Schroeder Mine road. These road closures are necessary to implement BLM's motorized route decisions in the Sierra Resource Management/Record of Decision, approved in 2008. The closures are also critical to protecting the quality of scientific, scenic, historical, ecological, environmental, water resource, and archaeological values on Saxon Creek.

1.2 Conformance with Applicable Land Use Plans

The proposed timber salvage is consistent with the Sierra Resource Management Plan/Record of Decision, approved in February 2008. The proposed action would occur in the Merced River watershed, not far from the Merced Wild and Scenic River, Merced River Special Recreation Management Area, and two ACECs. Objectives for public lands in the project area are to manage all forests and woodlands under the principles of multiple use, sustained yield, and protection of the environment in accordance with federal laws, regulations, and policies. Refer to the Sierra Resource Management Plan/Record of Decision, page 22, for specific objectives and management actions. Under the management plan, BLM is generally directed to salvage harvest timber damaged by disease, insects, fire, etc. (see Sierra RMP/Record of Decision, Appendix C).

The proposed timber salvage is also consistent with the Sustained Yield Unit #15 environmental assessment (SYU-15 EA) and EA # CA-018-89-20. The SYU-15 EA was a critical part of BLM's Timber Management Program. It

was a response to court requirements from a suit brought by the National Resource Defense Council during the 1970s. The SYU-15 EA analyzed timbered areas administered by BLM field offices in Redding, Susanville, Carson City, and Folsom. The settlement specified that (1) Environmental Impacts Statements (EISs) were to be written for timber management plans for all SYUs in western Oregon, Ukiah, and Coeur d' Alene/Spokane District; and (2) Environmental Assessments (EAs) were to be prepared for timber management plans for all other public land SYUs.

EA number CA-018-89-20 was written in 1989 in response to the large salvage workload caused by pine beetle epidemics throughout BLM-administered forestlands. It was written as a programmatic for salvage in many sites requiring the same typical proposed actions on the same affected environment types.

BLM's proposal to close roads on BLM-administered land in the area of the proposed timber salvage is made pursuant to the Sierra Resource Management Plan/Record of Decision, approved in February 2008. Under this plan BLM designated approximately 75 miles of existing roads on BLM-administered land as open to public motorized use. The roads leading to the Golden Madria claim and elsewhere on Saxon Creek were not the existing roads designated as open for public motorized use. BLM has the authority to close roads on BLM-administered land in the area under the Federal Land Policy and Management Act of 1976. This law requires BLM to manage public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, water resource, and archaeological values.

2.0 Proposed Action and Alternatives

2.1 Proposed Action

Under the proposed action, BLM would contract with loggers to salvage/harvest an estimated 50-75 MBF of dead or dying timber that was killed or badly burned during the Telegraph Fire. Timber salvage would take place in areas with less than 40% slope equaling approximately 30+/- acres (see attached map of the project area). Yarding would be done by tractor or rubber tired skidder. The operators would use existing roads. Areas selected for landings have been previously used, and would be placed to reduce the amount of soil disturbance. The minimal amount of skid trails would be used as needed and all yarding trails would be put to bed after use. Attached is Section 41 Special Stipulations for timber contracts, pages 1-8, which specifies stipulations that would be followed during implementation of the proposed action. Slash produced from the proposed action would be either lopped/scattered, or chipped/scattered. The methods used would be dependent on accessibility, fire hazard, economics, and other site and natural resource conditions. Slash disposal stipulations are outlined on page 4 of the attached Section 41 Special Stipulations for timber contracts and may be modified to meet any new conditions arising during operations. Also attached is BLM Commercial Forest Land Map 17 of 17.

The Telegraph Fire during July-August 2008 burned off understory plants and other vegetation on BLM-administered land along Saxon Creek. During the fire PG&E used heavy equipment to improve and construct a road in the vicinity of the Golden Madria claim. PG&E's roadwork was necessary to repair a fire-damaged transmission line. This road comes off of Schroeder Mine Road in Section 16 and extends along a small unnamed drainage to Saxon Creek in the vicinity of the claim. Under the proposed action, BLM would physically close roads in the area to motorized vehicle use by the general public. Permanent physical closures (probably tank traps and vegetation barricades) would be used to close the roads on BLM-administered land. Under the Sierra Resource Management Plan/Record of Decision, the only road in the area that was designated as open to public motorized use is Telegraph Road. Other roads on BLM-administered land in the area were not designated as open. Therefore, roads and landings improved/built on a temporary basis for the purpose of implementing the timber salvage would be closed and put to bed upon completion of the timber sale. Other roads in the area may be closed as soon as the proposed action is authorized. The road leading to the Golden Madria claim is of particular concern. A portion of the road would be used to conduct the timber salvage. The other portion of the road, near Saxon Creek, was improved by PG&E during the fire. PG&E's roadwork was necessary to repair a fire-damaged transmission line. PG&E improved the road and built additional road into the bed of Saxon Creek. Members of the public will likely use the road to drive off highway vehicles in and along the bed of Saxon Creek. Driving in and along the creek bed will cause extensive erosion and soil compaction, degrading water quality and damaging riparian habitat recovering from the fire. Archaeological resources in this area are also threatened by motorized vehicle use on Saxon Creek. BLM wants to close this road and other roads in the area to protect the environment and help implement

2.2 Project Design Features

See attached document for the specific stipulations to be followed for contracts on timber salvages.

2.3 No Action

Under a No Action Alternative, the area would be managed as is. No harvest of salvageable timber would take place.

2.4 Alternatives Considered but Eliminated from Detailed Analysis

None

3.0 Affected Environment

Lands

The Telegraph Fire burned portions of five special management areas located in the Merced River watershed; (1) the Merced Wild and Scenic River; (2) Merced River Wilderness Study Area; (3) Limestone Salamander ACEC; (4) Merced River ACEC; and (5) Merced River Special Recreation Management Area.

Soils

Two major soil associations are represented on the public lands in the assessment area. The Maymen-Mariposa association occurs extensively in the area. These types of soils are well drained, 8 to 20 inches in depth, moderately to strongly acidic, and have metasedimentary bedrock. The texture is from gravelly loam to very rocky loam. The Auburn-Daulton association is the next most common type found. These soils are well drained, 8 to 20 inches in depth, slightly acidic and have basic igneous bedrock. The texture is rocky to very rocky loam. Travertine soils are known to exist on public lands near the Bagby Recreation site on Lake McClure.

Cultural Resources

The prehistory of the assessment area is known mainly from archaeological studies conducted in Yosemite National Park, along the upper reaches of the Merced River. These studies indicate that hunter-gatherers groups inhabited Yosemite for thousands of years prior to historic contact in the 1800s, and that by late prehistory (1500 to 200 years ago) these groups had a lifestyle typical for Californian hunter-gatherers of the western Sierra. Acorns, deer, and salmon were of primary importance to them. The upper reaches of the Merced River watershed were just one portion of a much larger area used by prehistoric people as they went about procuring these and other resources.

Less is known about the prehistoric land-use in the BLM-administered portions of the watershed between 3000 and 1000 ft in elevation. Bedrock milling stations and camp sites have been found on BLM-administered land along the Merced River within this elevation range, and it seems certain that prehistoric people hunted, gathered, fished, and sought other resources deep within this part of the Merced River canyon, at least on a temporary basis, as part of their seasonal rounds (annual migration into the high country). More substantial settlement appears to have been focused on the river's tributaries on the canyon rim. At the time that Euro-Americans and other outsiders arrived in droves during the mid-1800s, the Miwok – thought to be the ancestors of the area's prehistoric people – were living in the Merced River watershed.

The famous American explorer, soldier, and political leader John Fremont was among the earliest Euro-Americans to settle in the area. In 1847, he acquired a large Mexican land grant called Las Mariposas that included the present-day town of Mariposa. Not long after the start of the Gold Rush in 1848, prospectors began scouring his land, the Merced River canyon, and elsewhere in the region for placer gold. Sherlock Creek, named for the Sherlock brothers, may have been one of the earliest creeks to be mined in the Merced River canyon. Placer mining waned by the early 1850s as the easily found placer gold became depleted.

By the late 1800s, hard rock gold mining became a dominant industry within the Merced River watershed and Mariposa County generally. Production may have peaked during 1860s-1880s, (mining activity/returns for this period were poorly documented). Many of the operations, particularly those that endured well into the 1900s, appear to have been small scale, with few workers, sporadic development, shoestring budgets, and hodgepodge arrays of mining and milling machinery. By the mid-1900s, the mines still being developed were typically worked on the side by one or two men, who typically were involved full-time in ranching or some other occupation. Mines located on (or partially on) BLM-administered land in and around the Merced River canyon include the Schroeder, Diltz, Our Chance, Permit, Landrum, and Governor/Live Oak. The Jumper, Blue Moon, Orange Blossom, Mt. Gains, and Badger are located farther west, near Hornitos. The Mt. Gains was among the most productive mines in the county and was a large-scale operation during the 1930s.

The rugged brushy terrain of the Merced River canyon appears to have hindered ranching, farming, and homesteading during the late 1800s, but there was enough timber here to support commercial logging, particularly at higher elevations. By the early 1900s, many of the best virgin stands had been logged by operators like the Yosemite Lumber Company. Other industrial/commercial endeavors were attempted in lieu of gold mining and logging. The opening of Yosemite Valley as a major tourist destination by the turn of the century reinvigorated and changed the economy of Mariposa County. The Yosemite Valley Railroad, built in 1907, was designed to help get people to and from Yosemite Valley. The railroad grade ran along the Merced River from Merced in the Central Valley to El Portal just west of Yosemite Valley. The train passed through the BLM-administered part of the canyon, including portions of the Mountain King Mine complex, Railroad Flat, McCabe Flat, and Briceburg.

The patented Mountain King Mine was discovered sometime during the mid- to late 1800s, but little is known about its early history. By 1904, the mine was being developed by the Omparisa Mining Company headed by H. C. Austin. A five-stamp mill was installed in 1905 and was increased to ten stamps later the same year. The mine also had a hydroelectric facility built by PG&E. The remains of the facility include a dam located on BLM-administered land, still visible today. The development of the mine was sporadic during the 1910s when the Mountain King Mining Company took over operations. The company called it quits in 1922 because operating costs exceeded production returns. After a few years of development under lease, the mine was abandoned.

Railroad Flat was the location of a small town called Hart associated with the Mountain King Mine. The town reportedly consisted of houses and a few businesses, including a "cat house." There is a small cemetery (with historic and modern graves) at Railroad Flat, located near the BLM campground that now occupies much of the area. McCabe Flat, also a BLM campground, has seen sporadic mining and residential activity since the Gold Rush.

During the 1910s, Briceburg consisted of a store owned by William Brice, the Brice house, and housing for a section crew that worked the Yosemite Valley Railroad. The construction of the highway to Yosemite Valley during the 1920s (current Highway 140) led to the abandonment of the Yosemite Valley Railroad by the end of World War II. (The railroad grade survives, in part, as an access road and recreational trail.) A bridge was put in across the Merced River at Briceburg to move supplies from the railroad to the construction sites. Convict workers from San Quentin were used to build the highway. A residential camp (Camp E) for the workers and their supervisors was placed along the highway near Briceburg. The camp consisted of various tent structures occupied from 1923 to 1925.

Built in 1927, the River View Tavern (later known as the Briceburg Inn) was a full-menu Italian restaurant and Standard Oil gas station located along the highway at Briceburg. A motel was added later. For years, the Briceburg Inn catered to travelers on the highway connecting Mariposa and Yosemite. In the late 1980s, the building was acquired by BLM and turned into a visitor center.

Vegetation

BLM-administered land in the Merced River watershed are generally characterized by blue oak savannah and grassland in the lower elevations, live oak woodlands and chaparral in the middle elevations, ponderosa pine forest at higher elevations. The upper montane zone with red fir and lodgepole pine forms the highest forested area. Riparian areas traverse the entire length of the assessment area along the river corridor and its tributaries. Aspect, soil type, and fire history all play a role in determining localized micro-climates. Serpentine soils define the plant community where these soils are prevalent.

Starting in the Central Valley and moving into the lower foothills an oak savannah-annual grassland dominated the plains, broad valleys, and low rolling hills. Valley oaks up to 50-80 ft tall are possible here. The most common grasses are wild oats, soft chess, ripgut brome, and foxtail. Filaree and turkey mullein are the most common forbs. The annual grasses germinate with fall rains and grow slowly during the cool season until warmer temperatures cause rapid growth.

These savannahs meld to a blue oak woodland-grassland at about 500 ft in elevation. The grasslands are dominated by introduced species and yellow star thistle is becoming more of a problem with each passing year. Apple, pear, fig, ailanthus (tree of heaven), walnut, and other historic-era introductions are common at old town and house sites. Blue oak and gray pine typically comprise the overstory. The oaks rarely exceed 50 feet in height and the pine rarely is more than 100 feet high. Interior live oak and California buckeye are common and the entire community is often accompanied by large areas of annual grassland. One can easily see this ecosystem from the road while driving up through Hornitos to Coulterville.

A live oak-gray pine woodland becomes prevalent by about 1000 ft in elevation and is intermixed with chaparral at times. Canyon live oak and interior live oak are most common species of oak. Blue oak and the occasional cedar and ponderosa pine occur in the woodland. A mix of annual grassland and shrub understory is also common. Shrub species include poison oak, buckeye, manzanita, ceanothus, yerba santa, coffee berry, and redbud.

In the middle elevations of the public lands, chaparral dominates. Chaparral covers a major portion of the public lands burned. This vegetation type tends to be dominated by shrubs with heavy, thick, cutinized evergreen leaves such as chamise, manzanita, toyon, and some species of ceanothus. The dominant plants are fire-adapted and tend to sprout back rapidly from root crowns. Indeed, wildfire is probably the chief factor in the chaparral's cycle of growth, maturity, removal, and re-growth. High above the Merced River there is a thick stand of knob cone pine; which also needs fire to make its cones open up and germinate. Many of the large and destructive wildfires in California occur in this vegetation type.

Aspect also interacts with elevation. Often chamise-dominated communities occur on south-facing slopes, while north-facing slopes at the same elevation have scrub oak chaparral. Much of the BLM administered lands in the assessment area have chaparral habitat such as the following places: Hunter Valley/Hunter Mountain, most of the Merced Wilderness Study Area, the main stem and North Fork of the Merced River, and the lands surrounding Lake McClure.

Chaparral provides habitat for a wide variety of wildlife. Deer make extensive use of chaparral as do a large number of rodents. A diversity of birds makes use of the seeds, fruits, insects and protection from predators offered by the chaparral.

Riparian areas are common along the rivers and streams. Riparian areas often have a canopy of cottonwood, red willow, white alder and Oregon ash. The understory often has a shrub layer with arroyo willow, dusky willow, sandbar willow, buttonwillow, wild grape, blackberry, poison oak. A final herbaceous layer of sedges, rushes, grasses, mugwort and other riparian herbs is present.

Riparian areas are very important to wildlife for food, escape cover, migration routes, nesting cover and dispersal corridors. Some animals are year round residents, some are migratory and others use riparian habitat for specialized purposes during their life cycles.

A mixed hardwood-coniferous forest begins around 2500 ft in elevation. This Ponderosa pine forest usually has a variety of other conifer and hardwood species that generally forms a multilayered forest. Ponderosa pine is

dominant, with Douglas-fir, incense cedar, sugar pine, white fir and California black oak often contributing to the forest canopy. Sites deeper in canyons often support other hardwoods like big leaf maple, mountain dogwood and canyon live oak. Mountain misery, deerbrush, white leaf manzanita, Mewukka manzanita, woollyleaf ceanothus, Sierra plum are among the common shrub species.

Above 4000 ft in elevation, the prevailing habitat is a coniferous forest dominated by ponderosa pine. Incense cedar, Douglas fir, and the occasional black oak and live oak also part of the coniferous forest. The understory is sparse. At higher elevations are mixed coniferous forests with lodgepole pine, white fir, red fir, and other species. Generations of logging, particularly above 3000 ft, has reduced the size of the mixed coniferous forest and has caused the spread of chaparral to higher elevations. BLM does not manage land above 3000 ft in the assessment area.

Substantial groves of Sequoia exist within Yosemite National Park, between 4000 and 5000 ft such as the Merced Grove and the Tuolumne Grove. Meadows and montane riparian zones begin to occur at these elevations. Subalpine and alpine plants are found higher in the mountains, up to the Sierra crest at 8000 to 13,000 ft which receives substantial accumulations of snowfall. Whitebark pine tends to be dominant conifer near the tree line.

Special Status Plant Species

The following table shows special status plant species that are known to occur or could potentially occur on BLM-administered land within the watershed.

Special Status Species on BLM land in the Merced River watershed

Common Name	Scientific Name	Status	Occurrences
Big scale balsamroot	<i>Balsamorhiza macrolepis macrolepis</i>	BLM-S	Hunter Valley Mountain
Mariposa clarkia	<i>Clarkia biloba australis</i>	BLM-S	Merced River canyon
Beaked clarkia	<i>Clarkia rostrata</i>	BLM-S	Mt. Bullion, Lake McClure, and Lake McSwain areas
Mariposa cryptantha	<i>Cryptantha mariposae</i>	BLM-S	Serpentine areas along Highway 49
Parry's horkelia	<i>Horkelia parryi</i>	BLM-S	Chaparral openings, North Fork Merced River
Shaggyhair lupine	<i>Lupinus spectabilis</i>	BLM-S	Serpentine areas along Highway 49
Slender-stemmed monkeyflower	<i>Mimulus filicaulis</i>	BLM-S	Quail Mine Road area, North Fork Merced River area
Yosemite onion	<i>Allium yosemitense</i>	Potential BLM-S	Potentially occur within the assessment area
Mariposa pussypaws	<i>Calyptidium pulchellum</i>	FT	Potentially occur within the assessment area
Merced clarkia	<i>Clarkia lingulata</i>	SE	Potentially occur within the assessment area
Congdon's woolly sunflower	<i>Eriophyllum congdonii</i>	Potential BLM-S	Potentially occur within the assessment area
Congdon's lewisia	<i>Lewisia congdonii</i>	Potential BLM-S	Potentially occur within the assessment area
Mariposa lupine	<i>Lupinus citrinus var. deflexus</i>	ST	Potentially occur within the assessment area

FE – Federal Endangered; FT – Federal Threatened; FSC – Federal Special Concern; SE – State Endangered; ST – State Threatened; BLM-S - BLM Sensitiv

Timber

The BLM has only 1,236 acres of mixed conifer timber lands identified in all of Mariposa County. The timber is mostly Ponderosa pine and makes up less than a percent of the total public and private timber base for the County.

Wildlife

The wildlife in the project area is typical of the western Sierra oak/mixed conifer transition habitat.

Fire

The assessment area is comprised of a variety of fuel types, as described in the vegetation section. The most prevalent and most dangerous of those types, located on the BLM-managed parcels, is the chaparral zone. There are no BLM fire management facilities in the assessment area. All suppression is handled under cooperative fire agreement by the CDF who have engine stations and an inmate crew camp located in the assessment area. The BLM's involvement is to assist where possible and to send an agency representative to the fire once it exceeds initial attack.

Visual Resources

Areas affected by the proposed action are to be managed by BLM in a way that meets Class III objectives, pursuant to the Sierra Resource Management Plan/Record of Decision, approved in February 2008. Class III objectives are to partially retain the existing character of the landscape. The level of change must be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in adjacent natural features of the landscape.

Recreation

The most intensive use occurs on the Recreational section of the Wild and Scenic Merced River. About 10,000 boaters raft and kayak down the river each year. The whitewater use is concentrated during the spring and early summer because of the free-flowing and undammed character of the Merced River. There has been a gradual increase in non-commercial boating. Seven rafting companies operate on thirteen commercial permits. Although the main put-in areas are located upstream on the National Forest, BLM manages all commercial whitewater activities. The timbered lands are located up and out of the river canyon and do not experience much recreation use. BLM has observed off-highway vehicle use in the Saxon Creek area. Members of the public drive vehicles down spur roads to Saxon Creek. The spur roads cross both private and public lands. Those driving on the roads may be in trespass as they cross private lands. Because of potential trespass issues, BLM decided to not designate these roads as open to motorized use (refer to the Sierra Resource Management Plan/Record of Decision).

Socioeconomics

Timber production in the area has been declining for the past 20 years. Timber production was calculated to be 27 million board feet in 2000. None of that production occurred on BLM-administered land. The average timber production from BLM-administered land has been inconsequential to the local economy. Overall, BLM does not contribute significantly to the local economy through its grazing, mining, or timber programs. Recreation permits issued by the BLM do contribute to the local economy associated with rafting and river tourism. This is especially important to individual outfitters.

4.0 Environmental Effects

The following critical elements have been considered for this environmental assessment, and unless specifically mentioned later in this EA, have been determined to be unaffected by the proposal: air quality, areas of critical environmental concern, prime/unique farmlands, floodplains, hazardous waste, wild and scenic rivers, wilderness, and environmental justice.

4.1 Impacts of the Proposed Action and Alternatives

Water, Soils, and Watershed

The proposed timber salvage is anticipated to have little to no negative impacts on water quality, soils/sedimentation, and overall watershed health. The operators would follow the stipulations specified in the attachment Section 41 Special Stipulations for timber contracts. These stipulations would minimize negative impacts such as soil erosion. The timber salvage would occur during a relatively short period of time and would be done during relatively dry conditions when soil compaction is not an issue. Existing roads and landings would be used, and then put to bed upon completion of the salvage. The proposal to physically close roads to motorized use would have long-term beneficial impacts on water quality, soils, and overall watershed health. Closing the roads would prevent members of the public from driving off-highway vehicles off of designated routes and in and along the bed of Saxon Creek. Driving motorized vehicles off of designated routes in this area would cause extensive soil erosion, damage to recovering riparian vegetation, and overall degradation of water quality and wildlife habitat.

Cultural Resources

The proposed action was reviewed by the BLM archaeologist. The BLM archaeologist conducted intensive field inventory and background records/historical research. He prepared a report to help BLM meet its obligations under Section 106 of the National Historic Preservation Act. Prehistoric and historic-era cultural resources were identified within and near the areas affected by the proposed action. These cultural resources would be flagged for avoidance during the timber salvage and road closure operations. The proposed action would not affect significant cultural resources. In fact, the road closure is critical to protecting cultural resources in the area in the long term. The road closure is strongly recommended. It would prevent members of the public from damaging sensitive cultural resources by driving over them in motorized vehicles.

Visual Resources

The proposed action would actually improve the visual quality in the short term and Class III management objectives would be met. Many of the blackened skeletons would be removed therefore softening the current harsh holocaust look. New sprouts and trees that do survive along with any possible reforestation efforts made in the future would add some screening and contrast to the burned blackness now present.

Threatened and Endangered Species

The proposed action was reviewed by the BLM wildlife biologist and botanist. Both specialists conducted a field inventory of the areas affected by the proposed action on November 4, 2008. The BLM wildlife biologist concluded that the proposed action would not negatively impact any special status wildlife species (see attached study).

The BLM botanist was unable to conduct a reliable field inventory due to the time of year and the effects of the Telegraph Fire. Based on the information provided by the BLM botanist, concerning the inventory for the Mariposa clarkia (*Clarkia biloba australis*), the State Director concurred with the recommendation to forgo inventories. His decision was based on timing of the timber sale, minute impacts to the overall conservation status of the species (if it occurs within the project area), and a low potential for the species to occur. He believed that the mitigation measures for potential impacts that are proposed by the Folsom Field Office in the November 13, 2008, memorandum were appropriate and sufficient for the conservation of the species (see attached memo). If weather conditions delay the timber salvage until late spring 2009, further field studies would be required.

Both the BLM wildlife biologist and the botanist strongly recommended that the proposed road closures and road/landing rehab work be implemented to protect riparian vegetation/habitat along Saxon Creek that is recovering from the fire.

4.2 Impacts of the No Action Alternative

Under the no action alternative, dead trees would deteriorate, fall to the ground, and areas would become heavily loaded with hazardous fuels. Potential for an epidemic increase in populations of harmful insects and tree disease would not be addressed. Potential minor commercial revenue to the local economy and treasury lost. Members of the public would likely drive off-highway vehicles off of designated roads, causing damage to water quality, soils, riparian vegetation, and archaeological resources. Damages to cultural resources may be irreparable.

4.3 Cumulative Impacts

Under the proposed action, none of the impacts would be significant at the local scale or cumulatively because of the small scale of the proposed action and project design features which would reduce erosion and visual impacts to immeasurable levels. The minimal impacts to visual, vegetation, habitat, soils, and water quality would be minimal and pale in comparison to the impacts resulting from the fire itself.

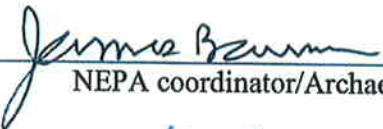
Under the proposed action, there would be no negative cumulative impacts to motorized use/recreation. BLM has designated approximately 75 miles of routes for motorized use. There are many more miles of routes on nearby National Forest lands in the Merced River watershed, not far from Saxon Creek. Many of the BLM-designated routes are located in the Merced River watershed. Routes like Telegraph Road and the BLM campground access road offer miles of motorized driving opportunities as well as safe straightforward access to BLM-administered land. Due to the scattered nature of BLM-administered land, public use of spur roads off of Telegraph Road could lead to trespass on private property. The decision to close these spur roads on BLM-administered land in the Saxon Creek area is consistent with the Sierra Resource Management Plan/final proposed Environmental Impact Statement.

5.0 Agencies and Persons Consulted

Local timber operators and adjacent private landowners were consulted.


5.1 BLM Interdisciplinary Team

Reviewers:


NEPA coordinator/Archaeologist


Recreation Planner


Botanist

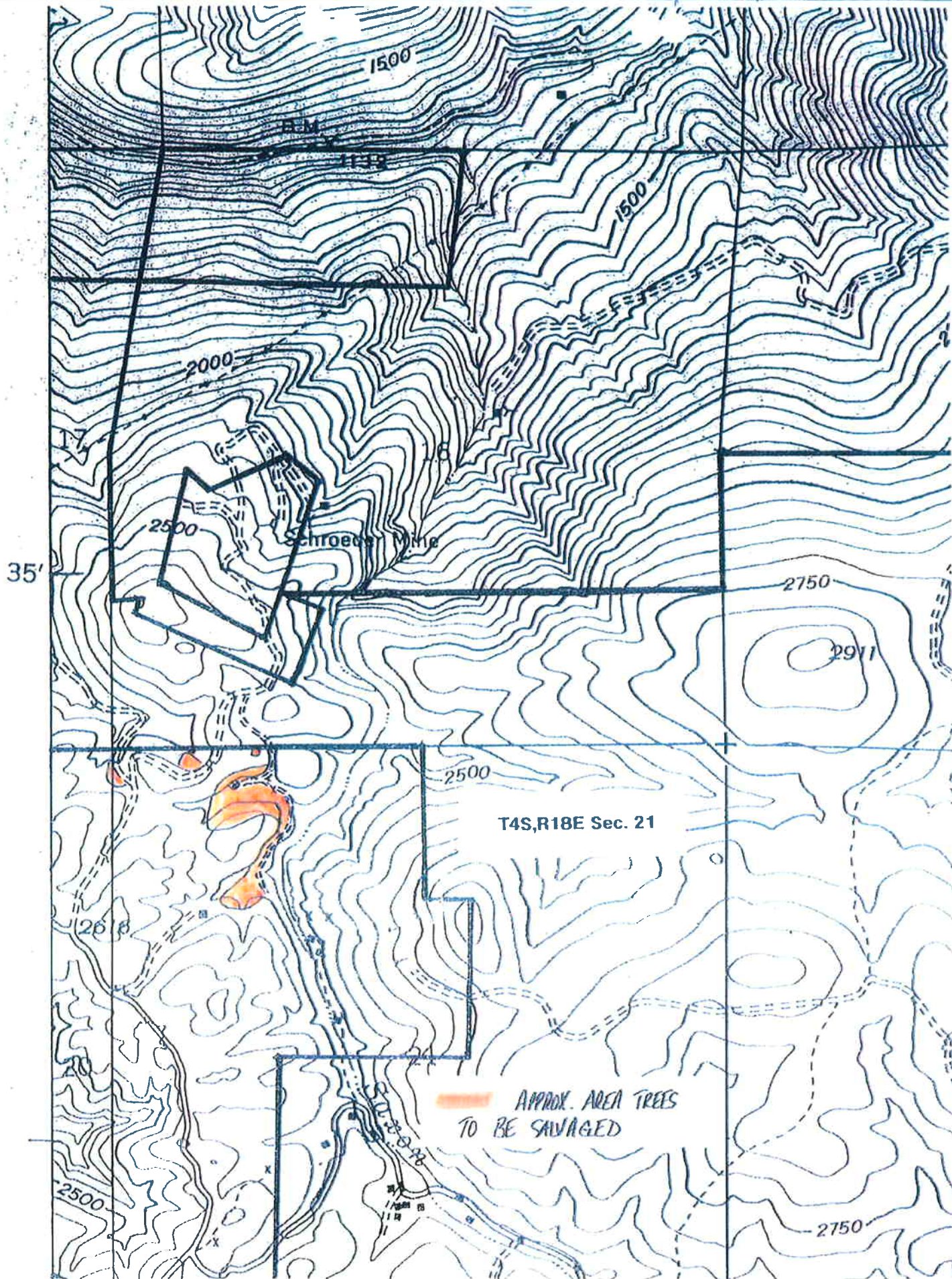

Wildlife biologist


Forester

5.2 Availability of Document and Comment Procedures

The EA, posted on Folsom Field Office's website (www.blm.gov/ca/folsom) under Information, NEPA (or available upon request), would be available for a 15-day public review period. Comments should be sent to James Barnes, BLM, 63 Natoma Street, Folsom, CA 95630 or emailed to us at James.Barnes@ca.blm.gov.





Bureau of Land Management
Bakersfield District
Folsom Resource Area

Biological Resource Inventory Report

Project name: Telegraph Fire Timber Salvage
Project description: Timber salvage of burned and downed timber
Size of disturbance: 130 acres
Project location: T: 4S R: 18E Sections: 20 and 21
USGS Quads: Bear Valley
County: Mariposa
Elevation range: 2600

Plant community/vegetation: Scattered gray, lodgepole, and ponderosa pine. Riparian vegetation in draws and along creek. Scattered brush.

CNDBB records: None in Township and Range.

Inventory description (methodology, problems, reliability, coverage): Field Visit

Results: No T&E species or habitat expected to support T&E species found in the area.

Animal species or sign observed:

Scrub jay	Nuttall's woodpecker
Mourning dove	Black phoebe
Common raven	Northern flicker
Plain titmouse	Dark-eyed junco
Black-capped chickadee	

Recommendations: Proceed with timber salvage project.

Date of inventory: 11/4/2008 Date of report: 11/6/2008
Signature: *Peggy Canstar* Title: Wildlife biologist



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
California State Office
2800 Cottage Way, Suite W-1623
Sacramento CA 95825
www.ca.blm.gov



In Reply Refer To:
(CA930)P

Memorandum

EMS TRANSMISSION: 11/21/08

To: Field Manager, Folsom Field Office

From: State Director /s/ James W. Abbott

Subject: Sale of Fire-Damaged Timber, Telegraph Fire, Mariposa County. Potential for BLM Sensitive Plant Species at Project Site. Exemption from Inventory Requirements in Accordance with BLM Manual Supplement California State Office H-6840-1, Chapter III, G

Thank you for the memorandum that was hand delivered to Christina Lund, State Botanist, on November 13, 2008, requesting exemption from inventory requirements for the Mariposa clarkia (*Clarkia biloba australis*) with regards to a sale of fire damaged timber.

Based on the information provided by Al Franklin, Botanist, Folsom Field Office, concerning the inventory for the Mariposa clarkia (*Clarkia biloba australis*), I concur with the recommendation to forgo inventories. My decision is based on timing of the timber sale, minute impacts to the overall conservation of the species, and a low potential for the species to occur. The mitigation measures for potential impacts that are proposed by the Folsom Field Office in the November 13, 2008, memorandum are appropriate and sufficient for the conservation of the species.

If you have any questions, please contact Christina Lund, Botanist, at (916) 978-4638.

Signed
Mike Pool
State Director

Authenticated
Brenda Deno
Administrative Assistant

BLM:CLund:BDeno:9169784638

U:Christina Lund:Letter of Exemption Folsom Field Office.doc

Surnames: CA930, 910

Table 2-3

Resource/ Impact

Discrete Action in Alternatives
(Including Preferred Alternatives)

Mitigating Measures

<u>AIR QUALITY</u> Addition of smoke and particles to the atmosphere	Slash Burning	1) Other means of slash disposal - chipping, mechanical crushing, burying, lopp & scatter, etc. will be used when necessary to avoid excessive amounts of smoke and particles in the atmosphere.
Road Dust	Transporting logs by truck	2) The BLM will coordinate closely with local and regional Air Resources Boards and State Department of Forestry in proper timing of burning to assure that atmospheric and wind conditions are suitable to facilitate rapid smoke dispersion and that fire danger is acceptable.
<u>SOIL and WATER</u> Soil Erosion	Road Construction	3) Haul roads adjacent to recreation use areas and home sites will be watered or surfaced to minimize dust. 4) Timber sale roads will be watered or oiled where large volumes of timber will be transported or where soil properties will contribute to extremely dusty conditions. Where use of water would draft too much water from streams, alternatives of oiling or other dust palliatives will be used to protect aquatic resources.
Soil compaction	Tractor logging	5) New road cuts and major skid roads will be seeded with grass or mulched before winter rains where critical soil conditions exist and where accelerated soil erosion is imminent. Roads will be out sloped where other drainage is inadequate. 6) Unstable road fill areas will be stabilized where needed by seeding or planting with trees or brush species. 7) Spur roads and skid trails will be water barred to reduce water flow and resulting surface erosion.
Water-quality degradation due to sedimentation	Timber harvest operation, road construction	8) Tractor logging will be restricted to dry months, where compaction is not a problem. Landings and skid trails, etc. will be scarified or ripped where necessary. 9) Major skid trails and landings will be maintained in the same location for re-entry into the timber stand, thus limiting the total area potentially compacted. 10) See Measures # 5 through 7 11) The State Water Resources Board planning in response to Section 208 of the Clean Water Act, which sets best management practices for timber harvesting, will be used as a guideline for timber harvest planning as well as site specific practices developed by each district. Unstable road fill areas will be stabilized where needed by seeding or planting with trees or brush species.

VEGETATION

Disturbance of non timber vegetation reproduction

Disturbance of rare, threatened, or endangered plants

Slash Disposal

slash buildup

Timber harvest operations, road construction, slash disposal, forest development operations, mechanical clearing, scarification, prescribed burning, timber stand improvement and herbicide treatment

12) Trees will be felled away from stream courses to keep logging debris from reaching aterways.

13) Ground equipment will be restricted from unstable streambanks to prevent sedimentation.

14) Any slash or debris accidentally deposited in streams will be promptly cleared by machine or hand.

15) Slash will be disposed of or reduced to allow new vegetation to become established.

16) Potential treatment areas will be inventoried during the EA process to determine the existence of federally listed endangered or threatened plants. If it is determined that a treatment will effect these plant species, BLM must initiate a Section 7 consultation (Endangered Species Act) with the Fish and Wildlife Service prior to authorizing the action. The BLM will also insure that no treatment will jeopardize the continued existence of a State-listed endangered or rare plant. This will be coordinated with Calif. Dept. of Fish and Game. Plants which are candidates for Federal listings as endangered or threatened, which are considered by BLM to be sensitive will be afforded the full protection of the ESA, unless the BLM, State Director determines on a case-by-case basis that the evidence against listing is sufficient to proceed with the action. The BLM will enter into Informal consultation with the FWS on actions which will affect Federal Candidate species. For plant species which have been officially proposed for listing, BLM must confer with the FWS if it is determined that an action may adversely affect one or more of such species.

If significant impacts cannot be avoided the area will be withdrawn from planned harvest if so determined by a specific action environmental assessment (IM CA-80-256)

WILDLIFE

Federally listed threatened or endangered species

Same as above

17) The BLM will comply with Sec. 7 of ESA 1973 by consulting with the US Fish and Wildlife Service on federally listed species on a district-by-district basis, before finalizing any forest product sale affecting a federally listed species. This will ensure that no such listed species will be adversely impacted by the proposed action (Endangered Species Act 1973, as amended in 1978; BLM IM CA-78-13, CA-78197, CA-79-258).

18) No activity will be allowed which is contrary to the restrictions stated in the California Condor Recovery Plan (U.S. Fish and Wildlife Service, 1974):

(a) No potential roost trees will be logged.
(B) No activity will be permitted in critical habitat areas between Nov. 1 and Mar. 15 (Federal Register, vol.42, no. 184, Sept. 22,1977

Disturbance of deer forage	same as above	<p>19) Maximum level of oaks harvested in critical deer winter range will be analyzed in site-specific environmental assessments and specified in oak wood sales.</p>
Disturbance of important wildlife habitat (deer winter range, eagle roosting areas, etc.)	same as above	<p>20) Adequate snags and downed logs will be left to support self-sustaining populations of birds and mammals as recommended by mitigation in site-specific EA's.</p> <p>21) Where harassment and poaching of wildlife are evident, roads may be closed temporarily to reduce occurrences. Temporary roads will be put to bed, thus discouraging further vehicular traffic.</p> <p>22) Logging schedules will be modified in critical habitats and during critical periods of wildlife cycles to minimize disturbance.</p>
Destruction of cover	Timber harvest operations yarding systems	<p>23) Small pockets of undisturbed timber will be left where topography, economic considerations, or physical limitations of the yarding equipment prohibit their use. This will provide immediate cover sanctuary for displaced animals.</p> <p>24) See #23 above. Nest trees or groves will be retained along with permanent water course closest to the nest area. A ½ mile no disturbance zone will be maintained adjacent to nest sites from Feb. through Aug. BLM will defer timber sales up to two years to locate nest site.</p> <p>25) Streamside buffers will be designated on all perennial and intermittent streams and on some ephemeral streams as determined by site specific environmental assessment process. The minimum width will generally be 100 feet. No equipment will be used in the buffer strips. End lining or cable yarding can be used to remove timber. See also measures #4-7 and #12-14.</p>
	Road Construction	<p>26) Stream crossings will be designed to prevent direct contamination of the fisheries habitat by soil, debris, and rock.</p> <p>27) BLM will coordinate with the CA, Department of Fish and Game on installations or construction of all stream structures (culverts, bridges, trash racks) to insure passage by anadromous fish to upstream spawning areas and to prevent excessive sedimentation from installation of the structures.</p> <p>28) Erosion control on roads, landings, and yarding trails will be carried out as outlined above (soil and water, Measures #5-7, #11, #13) to minimize sedimentation of streams.</p>

RECREATION

Degradation of visual quality

Timber Harvest Operations

J) View zones throughout SYU-15 will be subject to VRM inventory system. "The contrast rating analysis (manual 8430) will provide the basis for predicting whether or not the timber management activity or manipulation(s) will meet the predetermined visual management objectives or classes which are the result of the inventory and planning process (manual 8411)." Timber may be restricted accordingly.

Creation of dust next to campgrounds or high recreational use areas

Road construction, log hauling

30) See Measures #3 and #4, above.

Noise and degradation of visual quality

Timber harvest operations, road construction

31) Small visual and sound buffer zones from 100 to 500 feet will be maintained around recreational sites where needed.

32) Heavy concentrations of slash will be removed from roads which will be left open after completion of timber harvest activities to reduce visual impacts as well as fire hazard.

CULTURAL RESOURCES

Disturbance or destruction of cultural or historical resources.

All surface-disturbing activities (e.g., timber harvest operations, road construction, etc.)

33) Each ground-disturbing activity will be preceded by a complete field survey for cultural resources, in accordance with BLM Manual 8100, Cultural Resources Management to determine eligibility (36 CFR800) in coordination with the State Historic Preservation Officer. Significance of sites discovered will be determined. Protective measures which will be undertaken where warranted, include: complete avoidance of the site by rerouting or closing of project roads; fencing of the site; relocating the site; or even covering the site. Other measures include documentation, surface collection, excavation, or relocation, depending upon the potential scientific or heritage value of the site and to comply with Section 106 of the National Historic Preservation Act (see also Mitigation Measure #35). Followup inspections will be conducted to determine the effectiveness of protection measures developed in site specific EA's and stipulated in the timber sale contract.

34) Timber sale contracts will require the purchaser to protect archaeological, historical or paleontological sites and to suspend operations at the site of any discovery, as well as to notify the BLM authorized Officer immediately of the finding.

Disturbance or destruction of National Register sites

Timber harvest operations, road construction, slash disposal, forest development, etc.

35) all sites presently listed or eligible to be listed on the National Register of Historic Places will be protected in accordance with the National Historic Preservation Act of 1966 and Executive Order 11593 (36 CFR800).

disturbance or destruction of Native American traditional areas

Timber harvest operations, road construction, etc.

36) At an early stage in planning and development of any timber management activities and well in advance of surface-disturbing activities, the Native American Heritage Commission will be consulted for concerns relative to the Native American Religious Freedom Act (P.L. 95-341).

LAND USE

Disturbance of residential areas by noise, debris, etc.

Timber Harvest operations, building, slash disposal

If as mentioned in this Act, traditional gathering areas of heritage or sacred value significant to Native Americans are identified, the concerns of the Native Americans will be considered in the EA and in subsequent decisions, pursuant to P.L. 95-341 and subsequent rules and guidelines of the Act.

37) Consideration will be given to reducing the impacts near residential properties.

Sale Name: _____

Timber Sale Contract No.: _____

Section 41 - Special Stipulations

A. General Stipulations

1. Prior to the commencement of operations, the Purchaser shall obtain from the authorized officer written approval of a written logging plan commensurate with the terms and conditions of the contract which shall include measures needed to assure protection of the environment and watershed. A pre-work conference between the Purchaser's authorized representative and the Authorized Officer's representative must be held at a location designated by the Authorized Officer before the logging plan will be approved.

2. Before beginning operations on the contract area for the first time, or after a shutdown of 30 or more days the Purchaser shall notify the Authorized Officer in writing of the date he plans to begin operations. He shall also notify the Authorized Officer in writing if he intends to cease operations for any period of 30 or more days.

3. No operations of any kind shall be conducted on the contract area between October 15 of one calendar year and May 15 of the following calendar year, both days inclusive, without written approval from the Authorized Officer.

4. The Purchaser specifically agrees to and shall indemnify the United States for any damage to life or property arising out of any duty owed by the United States as a result of any hazardous activity conducted under the terms of this timber sale contract.

5. Periodic payment and first installment adjustment

A. Notwithstanding the provisions of Sec. 3(b), the amount of the first installment may be reduced by the Government when the Contracting Officer requests the Purchaser to interrupt or delay operations for a period expected to last more than thirty (30) days during the operating season. Such interruption or delay must be beyond the purchasers control. Operating season shall be defined, for this purpose, as the time of year in which operations of the type required are normally conducted and not specifically restricted under the contract. The first installment may be reduced to five (5) percent of the installment amount listed in Sec. 3(b), during the delay period. The Purchaser must request such a reduction in writing. When the Contracting Officer notifies the Purchaser that operations may proceed, the Purchaser shall have fifteen (15) days after such notification to return the first installment to the full value specified in Sec. 3(b). Failure to return the first installment to the full value within the allotted time will be considered a material breach of the contract. No timber shall be cut or removed from the contract area until the first installment is restored to the full amount.

B. Notwithstanding the provisions of Sec. 3(b), adjustments in the due dates for periodic payments may be made by the Government if the Contracting Officer interrupts or delays contract operations for a period expected to last at least thirty (30) days, and the interruption or delay is beyond the Purchasers control. Any adjustment made shall provide the Purchaser with an equal amount of operation time as would have been available without the delay. The Purchaser shall request such adjustments in writing before the due date for a periodic payment contained in Sec. 3(b).

6. The contract may be terminated by the Authorized Officer upon a determination that the operations of the contractor are or may cause significant environmental damage or result in the non-compliance with laws and regulations intended to protect the environment or natural resources or would be inconsistent with the appropriate land use plans. Upon such determination, the Authorized Officer has the discretion to order an immediate suspension of the operations under this contract.

7. The Authorized Officer may determine that it is necessary to terminate this contract in order to comply with laws intended to protect the environment or natural resources

and/or to comply with appropriate land use plans. Upon written notice from the Authorized Officer that such termination is necessary, the Purchaser shall immediately cease operations, except those necessary for safe removal of personnel and equipment from the contract area, and those directed by the Authorized Officer which are required to leave the contract area in an acceptable state. Following the written notice of termination, the Purchaser may be permitted by the Authorized Officer to remove timber cut under the contract, if allowed by the laws and appropriate land use plan necessitating the termination. In the event the contract is terminated under this subsection, the Purchaser agrees that the liability of the United States shall be limited to the actual costs incurred by the Purchaser which have not been amortized by timber removed from the contract area prior to the date of termination. This amortized cost shall be determined by dividing the total estimated cost for performing the contract by the estimated timber removed under the contract, then multiplying by the actual timber volume removed from the contract area. Such estimates shall be based on Exhibit "B". The Purchaser agrees to provide the Authorized Officer with documentation of actual costs incurred in performance of the contract. In addition, the Purchaser shall be released from the obligation to pay the contract price for any timber which is not removed from the contract area.

8. To help control the spread of noxious weeds, all yarding or loading equipment that has not remained continuously within the County of the contract area for the last three months will be required by the Authorized Officer to be thoroughly washed and cleaned before operations on the contract area may begin. Statement of verification may be required by the Authorized Officer.

B. Falling Operations

1. All trees designated for cutting shall be cut so that the resulting stumps shall not be higher than twelve (12) inches measured from the ground on the uphill side of the tree.

2. All snags, culls and marginal trees designated for cutting shall be felled concurrently with all other trees designated for cutting in the contract area.

3. If, in connection with operations under this contract, the Purchaser, his contractors, or subcontractors, or employees of any of them, damages any unmarked timber or young growth reproduction, the Authorized officer may require the Purchaser to pay twice the value in lieu of the contractual value. The board foot volume and value of merchantable timber shall be determined by the Authorized Officer in accordance with the standard appraisal techniques of the Bureau of Land Management. Reproduction value is assessed at \$ 450.00 per acre or fraction thereof.

4. In the cutting area as shown on Exhibit A, all trees, except those reserved, shall be felled and or removed in such a manner that guarantees neither harm to any person, nor damage to any Private, Public, County, State, or Federal property.

C. Yarding & Hauling Operations

1. All spur roads and skid trails shall be flagged and have the approval of the Authorized Officer before construction.

2. All landings shall be placed in locations approved in advance by the Authorized officer.

3. All landings shall be restricted to the size designated by the Authorized Officer.

4. Loading and hauling will cease during periods when the landing or road surface is too wet to adequately support equipment. If ruts in excess of 2 inches deep are created from activity, conditions will be considered too wet to operate.

5. All equipment and vehicles used for this contract shall be maintained in a safe operating condition, and shall be operated in compliance with all State (D.M.V.) regulations.

D. Slash Disposal

1. The Purchaser shall lop and scatter all slash over the cutting area concurrently with normal felling operations. All top and side branches must be cut free of the central stem and the main stem must be reduced to the point that is within

eighteen (18) inches of the ground at all points. Limbs shall be scattered as needed to avoid any pile or concentration over 18" high.

2. All chip material designated for cutting shall be yarded to a landing concurrently with other trees.

3. All slash created by road construction and or logging operations, within 50 feet either side of roads will be scattered or buried so as to remove any evidence of an accumulation.

E. Roads - Construction - Use - Maintenance

1. Timber sold under this contract is without guaranteed government access.

2. The Purchaser is authorized to use all roads as shown on Exhibit A which are under the jurisdiction of the Bureau of Land Management for the removal of government timber sold under the terms of this contract, provided that all times the Purchaser shall put, maintain, and leave all roads in a condition satisfactory to the Authorized Officer during the period of his operations on the contract area.

3. Purchaser shall maintain the cross section of dirt or graveled roads as presently existing or where applicable, to the reconstructed standards required by this contract, by blading and shaping the road surface and shoulders and by the placement of any required maintenance aggregate. Banks shall not be undercut. Established berms shall be maintained and additional berms shall be placed where needed to protect fills as directed by the Authorized Officer.

4. Purchaser shall perform all road cleanup including removal of bank slough, slides and fallen timber, which can practicably be accomplished by a motor patrol grader equipped with a front end blade, rubber-tired front end bucket loader, or comparable equipment, and by the use of hand tools. When working conditions dictate end haul of material, the distance and the quantity of material required to be moved shall be limited to what is reasonable and practicable without the use of additional equipment. Subject to such limitation, he shall also replace material eroded from fill slopes and clean out drainage

ditches and culverts

In removing material from slides or other sources, Purchaser shall deposit the material which must be moved at locations chosen with the objective that such material will not erode into streams, lakes, or reservoirs or cause undue damage to road fill slopes which have been planted or mulched to control soil erosion.

5. Purchaser shall perform preventative maintenance at end of Purchaser's hauling each season and during non-hauling periods which occur between operations on the contract area to minimize weather damage to roads during the non-hauling period. This may include, but shall not be limited to, slide repairs, cross-ditching, post-hauling blading to remove ruts or other surface irregularities which would interfere with normal runoff of water and cleaning of ditches and culverts.

6. The purchaser shall water as needed for compaction or laying dust. It shall be applied at locations, in amounts and during the hours as directed by the Authorized Officer. Amounts of water to be provided will be the minimum needed to properly execute compaction, or for dust abatement during work periods where the road is adjacent to private residences.

F. Watershed Protection

1. The Purchaser shall scarify landings identified by the Authorized officer. Scarification will be done upon completion of use, and done in strips of not more than eighteen (18) inches in width and to an approximate depth of twelve (12) inches.

2. The Purchaser shall construct water barriers on skid trails to divert water from disturbed onto undisturbed ground and into natural drainages with the maximum spacing as follows:

<u>Slopes</u>	<u>Maximum Distance Between Waterbars</u>
0-5%	100 feet
6% and over	50 feet

Water barriers are to be installed immediately following conclusion of use of such trails and prior to the removal of equipment. The Authorized Officer may set time limits for the

start or completion of such work.

3. The purchaser shall not drain oil freely onto the ground. The purchaser will take immediate action to clean up any accidental oil spill that may occur.

G. Fire Control

1. The purchaser shall comply with all C.D.F.(State) and local fire restrictions and regulations.

2. The Authorized Officer may stop all or part of the logging operations of the Purchaser during especially hazardous fire weather. This stoppage may be made prior to the time that the State of California might require stoppage of logging operations.

3. The purchaser shall have a chemical fire extinguisher of at least eight (8) ounces capacity, and of a type approved by the C.D.F. A extinguisher shall be carried during periods of fire danger by each feller or buckner using a power saw on or near the contract area. Extinguishers shall be filled and in effective operating condition, and shall at all times be within five (5) feet of the operator when the saw is being fueled or the motor of the saw is running. Any fueling of a power saw shall be done in an area which has first been cleared of all flammable material. Power saws shall be moved at least ten (10) feet from the place of fueling before the engine is started.

H. Timber Export Restrictions

All timber sold to the Purchaser under the terms of this contract is restricted from export from the United States in the form of unprocessed timber, and is prohibited from being used as a substitute for exported private timber. For the purpose of this contract, unprocessed timber is defined as (1) any logs except those of utility grade or below, such as sawlogs, peeler logs, and pulp logs; (2) cants or squares to be subsequently remanufactured exceeding eight and three-quarters (8-3/4) inches in thickness; or (3) split or round bolts or other roundwood not processed to standards and specifications suitable for end-product uses; (4) western red cedar lumber which does not meet lumber of American Lumber Standards Grades of Number 3 dimension

or better, or Pacific Lumber Inspection Bureau R-List Grades of Number 3 Common or better. Thus, timber manufactured into the following will be considered processed: (1) lumber and construction timbers, regardless of size, manufactured to standards and specifications suitable for end-product uses; (2) chips, pulp and pulp producers; (3) green or dry veneer and plywood; (4) poles and piling cut or treated for use as such; (5) cants, squares, and lumber cut for re-manufacturing of eight and three-quarters (8-3/4) inches in thickness or less; (6) shakes and shingles.

Substitution will be determined under the definition found in 43 CFR 5400.0-5(n).

The Purchaser is required to maintain and upon request to furnish the following information:

1. Date of last export sale.
2. Volume of timber contained in last export sale.
3. Volume of timber exported in the past twelve (12) months from the date of last export sale.
4. Volume of Federal timber purchased in the past twelve (12) months from the date of last export sale.
5. Volume of timber exported in succeeding twelve (12) months from date of last export sale.
6. Volume of Federal timber purchased in succeeding twelve (12) months from the date of last export sale.

In the event the Purchaser elects to sell any or all of the timber sold under this contract in the form of unprocessed timber, the Purchaser shall require each party buying, exchanging, or receiving such timber to execute a "Certificate as to Nonsubstitution and the Domestic Processing Timber." The original of such certification shall be filed with the Authorized Officer. Additionally, when the other party is an affiliate of the purchaser, the Purchaser will be required to update information under item (2) of Form 5450-17 (Export Determination) and file the form with the Authorized Officer.

In the event an affiliate of the Purchaser has exported private timber within twelve (12) months prior to purchasing or

otherwise acquiring Federal timber sold under this contract, the Purchaser shall, upon request, obtain from the affiliate information in the form specified by the Authorized Officer and furnish the information to the Authorized Officer.

Prior to the termination of this contract, the Purchaser shall submit to the Authorized Officer Form 5460-15 (Log Scale and Disposition of Timber Removed Report) which shall be executed by the Purchaser. In addition, the Purchaser is required under the terms of this contract to retain for a three-year period from the date of termination of the contract the records of all sales or transfer of logs involving timber from the sale for inspection and use of the Bureau of Land Management.

Unless otherwise authorized in writing by the Authorized Officer, the Purchaser shall, prior to the removal of timber from the contract area, brand with the Purchaser's registered log brand at least one end of each log bolt or other roundwood and identify each of these by painting with highway yellow paint.

In the event of the Purchaser's noncompliance with this subsection of the contract, the Authorized Office may take appropriate action as set forth in Section 10 of this contract. In addition, the Purchaser may be declared ineligible to receive future awards of Government timber for a period of one year.

I. Cultural Resource Protection

If, in connection with operations under this contract, the Purchaser, his contractors, sub-contractors, or employees of any of them, discovers, encounters or becomes aware of any objects of sites of cultural value on the contract area such as historical or prehistorical ruins, graves or grave markers, fossils, or artifacts, the Purchaser shall immediately suspend all operation in the vicinity of the cultural value and shall notify the Authorized Officer of the findings. Operations may resume at the discovery site upon receipt of written instructions and authorization by the Authorized Officer.

The Purchaser shall immediately discontinue specified construction or timber harvesting operations upon written notice from the Authorized Officer that sensitive, threatened, or endangered plants or animals protected under the Endangered Species Act of 1973 have been discovered to be present on the

area. Operations may be resumed upon receipt of written instructions and authorization by the Authorized Officer.